

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Jacob Schwartz,

Plaintiff,

-against-

City of New York,

Defendant.

1:19-cv-05204 (AT) (SDA)

ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>1/21/2020</u>

STEWART D. AARON, United States Magistrate Judge:

For the reasons stated on the record during a telephone conference held with the parties on January 21, 2020, Plaintiff's motion to compel pursuant to Federal Rules of Civil Procedure 37(a)(3)(A) (ECF No. 45) is GRANTED IN PART and DENIED IN PART. Specifically, IT IS HEREBY ORDERED that:

- (1) No later than Tuesday, February 4, 2020, the City shall share with Plaintiff a hit count for the number of emails exchanged between Plaintiff and any of the six individuals identified on today's call with the Court during the nine (9) weeks identified in Plaintiff's January 21, 2020 email;
 - a. If the parties cannot agree whether the volume of emails is appropriate for production, they shall meet and confer, in good faith, within three (3) business days to further cull the emails to an appropriate volume;
 - b. The City shall produce the emails to Plaintiff no later than thirty (30) days after an agreement is reached between the parties;

c. If the parties are unable to reach an agreement after meeting and conferring in good faith, they shall make an application to the Court no later than February 10, 2020.

(2) No later than Tuesday, February 4, 2020, Defendant shall produce a representative sample of twelve (12) exemplar reports generated by Plaintiff during his two years of employment with the City, at least nine (9) of which shall have been generated during the weeks identified in Plaintiff's January 21, 2020 email, mentioned *supra*.

SO ORDERED.

DATED: New York, New York
 January 21, 2020



STEWART D. AARON
United States Magistrate Judge